

FILED '06 MAY 04 14:36 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

WARREN COVEY BROWN, )

Plaintiff, )

vs. )

IAN DUNCAN, GARTH GULICK, )

JAN DAHLIN, STEPHEN SMITH, IRENE )

FOLKMAN, and JOHN and JANE DOES )

1-10, )

Defendants. )

Case No. 05-1293-PK

ORDER

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KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on March 22, 2006. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Defendants have filed objections to the Findings and Recommendation. Plaintiff has filed a response.

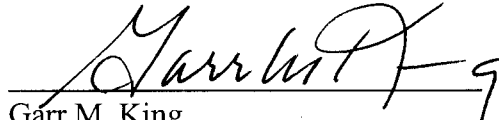
When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in defendants' objections to the Findings and Recommendation, I find no error. I do note that on page 5 of the Findings and Recommendation, a typographical error appears. The date Brown received a response to his grievance was March 21, 2005, and not March 21, 2006.

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Accordingly, I ADOPT Magistrate Judge Papak's Findings and Recommendation (#29), with the modification noted above, and DENY Defendants' Motion to Dismiss-Failure to Exhaust (#8).

Dated this 4<sup>th</sup> day of May, 2006.

  
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Garr M. King  
United States District Judge